

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
STEFANO FARSURA and
SF CAPITAL PARTNERS LLC,

Plaintiffs,

-against-

QC TERME US CORP.

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 11/23/2022

21 Civ. 9030 (AT)

ORDER

ANALISA TORRES, District Judge:

On October 21, 2022, the parties filed letters requesting to move for summary judgment. ECF Nos. 200, 205–06; *see also* ECF Nos. 210, 212–13, 215. In light of the Court’s November 8, 2022 order, ECF No. 220, and the Honorable Robert W. Lehrburger’s November 21, 2022 order, ECF No. 223, the parties’ requests to move for summary judgment are DENIED as moot without prejudice.¹

In addition, Plaintiffs’ request to seal at ECF No. 201, Defendant’s request to seal at ECF No. 204, and Plaintiffs’ request to seal at ECF No. 211 are DENIED because neither Plaintiffs nor Defendant moved within three days of the filing to keep their materials under seal.²

The Clerk of Court is directed to terminate the motions at ECF Nos. 200, 201, 204, and 211 and to modify the viewing level at ECF Nos. 202, 206, and 213 to public.

SO ORDERED.

Dated: November 23, 2022
New York, New York



ANALISA TORRES
United States District Judge

¹ The Court has also reviewed the parties’ letters dated November 16 and 21, 2022. ECF Nos. 222, 224. Defendant requests that it be “permit[ted] . . . to withdraw its [request to file a motion for summary judgment] without prejudice” and that the Court “strike Plaintiffs’ [request to file a motion for summary judgment] and award [Defendant] costs and fees.” ECF No. 222 at 1. Defendant’s first request is GRANTED as detailed in this order. Defendant’s second request is DENIED. Defendant has not shown that Plaintiffs’ alleged conduct is “so clearly in bad faith that Defendant is entitled to attorney’s fees.” *O’Neil v. Ratajkowski*, 563 F. Supp. 3d 112, 137 (S.D.N.Y. 2021).

² By letter dated October 31, 2022, Defendant stated that it “d[id] not oppose Plaintiffs’ request that the Court unseal” ECF No. 213 and requested that Plaintiffs’ request to seal at ECF No. 211 be denied. ECF No. 216. Defendant’s request is GRANTED as set out in this order.